

necessary apparatus and furnishings not supplied at the expense of the superintendent of public property.

(3) (a) Annually, beginning July 1, * * * 1929, * * * twenty-three thousand two hundred and fifty dollars for the execution of the functions of the legislative reference library.

(b) On July 1, 1929, and on July 1 of each odd numbered year thereafter, three thousand dollars, and on July 1, 1930, and on July 1 of each even numbered year thereafter, eighteen thousand dollars for special assistance for bill drafting by the legislative reference library.

SECTION 2. This act shall take effect upon passage and publication.

Approved July 30, 1929.

No. 544, A.]

[Published August 2, 1929.

CHAPTER 348.

AN ACT to repeal subsection (21) of section 66.06 and section 348.49; to amend the introductory paragraph of subsection (4) of section 67.04, and to create sections 114.01 to 114.23 and paragraph (k) of subsection (1), paragraph (s) of subsection (2) and paragraph (n) of subsection (5) of section 67.04 of the statutes, relating to aeronautics and aircraft and providing penalties.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (21) of section 66.06 and section 348.49 of the statutes are repealed.

SECTION 2. The introductory paragraph of subsection (4) of section 67.04 of the statutes is amended to read: (67.04) (4) (Introductory paragraph) Villages shall not borrow money or issue bonds for any purpose except only, subject to the general limitation of amounts prescribed by section 67.03, for the purposes for which a city is authorized to issue bonds by paragraphs (a), (b), (e), (f), (g), (j), (l), (m), (n), (o), (p), * * * (q) and (s) of subsection (2) of this section under the circumstances and subject to the limitations therein expressed; and also for the following further purposes:

SECTION 3. Twenty-three new sections are added to the statutes and a new paragraph is added to each of subsections (1),

(2) and (5) of section 67.04 of the statutes to read: 114.01 (1) In this act "aircraft" means any contrivance now known or hereafter invented, used or designed for navigation of or flight in the air, except a parachute or other contrivance designed for such navigation but used primarily as safety equipment. "Operating aircraft" means performing the services of aircraft pilot. The term "air navigation facility" includes any airport, emergency landing field, light or other signal structure, radio directional finding facility, radio or other communication facility, and any other structure or facility used as an aid to air navigation.

(2) "Aeronaut" includes aviator, pilot, balloonist and every other person having any part in the operation of aircraft while in flight.

(3) "Passenger" includes any person riding in an aircraft but having no part in its operation.

114.02 Sovereignty in the space above the lands and waters of this state is declared to rest in the state, except where granted to and assumed by the United States.

114.03 The ownership of the space above the lands and waters of this state is declared to be vested in the several owners of the surface beneath, subject to the right of flight described in section 114.04.

114.04 Flight in aircraft over the lands and waters of this state is lawful, unless at such a low altitude as to interfere with the then existing use to which the land or water, or the space over the land or water, is put by the owner, or unless so conducted as to be imminently dangerous or damaging to persons or property lawfully on the land or water beneath. The landing of an aircraft on the lands or waters of another, without his consent, is unlawful, except in the case of a forced landing. For damages caused by a forced landing, however, the owner or lessee of the aircraft or the aeronaut shall be liable, as provided in section 114.05.

114.05 The owner of every aircraft which is operated over the lands or waters of this state is absolutely liable for injuries or damage to persons or property on the land or water beneath, caused by the ascent, descent or flight of the aircraft, or the dropping or falling of any object therefrom, whether such owner was negligent or not, unless the injury is caused in whole or in part by the negligence of the person injured, or of the owner or bailee of the property injured. If the aircraft is leased at the

time of the injury to person or property, both owner and lessee shall be liable, and they may be sued jointly, or either or both of them may be sued separately. An aeronaut who is not the owner or lessee shall be liable only for the consequences of his own negligence. The injured person, or owner or bailee of the injured property, shall have a lien on the aircraft causing the injury or damage to the extent of the injury or damage caused by the aircraft or objects falling from it.

114.06 The liability of the owner of one aircraft, to the owner of another aircraft, or to aeronauts or passengers on either aircraft, for damage caused by collision on land or in the air shall be determined by the rules of law applicable to torts on land.

114.07 All crimes, torts and other wrongs committed by or against an aeronaut or passenger while in flight over this state shall be governed by the laws of this state; and the question whether damage occasioned by or to an aircraft while in flight over this state constitutes a tort, crime or other wrong by or against the owner of such aircraft, shall be determined by the laws of this state.

114.08 All contractual and other legal relations entered into by aeronauts or passengers while in flight over this state shall have the same effect as if entered into on the land or water beneath.

114.09 Any aeronaut or passenger who, while in flight over a thickly inhabited area or over a public gathering within this state, shall engage in trick or acrobatic flying, or in any acrobatic feat, or shall, except while in landing or taking off, fly at such a low level as to endanger the persons on the surface beneath, or drop any object except loose water or loose sand ballast, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished for the first offense by a fine of not less than ten dollars nor more than one hundred dollars, and for a second or subsequent offense by a fine of not less than one hundred nor more than five hundred dollars, or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment.

114.10 Any aeronaut or passenger, who, while in flight within this state, shall intentionally kill or attempt to kill any birds or animals shall be guilty of a misdemeanor and punishable by a fine of not more than one hundred dollars or by imprisonment for not more than ninety days, or both.

114.11 The local legislative body of any county, city, village or town in this state is hereby authorized to acquire, establish, construct, own, control, lease, equip, improve, maintain, operate and regulate airports or landing fields for the use of airplanes and other aircraft either within or without the limits of such cities, villages and towns, but in the case of counties within the limits thereof, and may use for such purpose or purposes any property suitable therefor that is now or may at any time hereafter be owned or controlled by such county, city, village or town. The legislative authority of each and every municipality owning an airport or landing field in the state of Wisconsin shall cause said municipality to be marked for aeronautical purposes, and maintain such marking, subject to and in accordance with law and such rules and regulations as may from time to time be made by the federal government.

114.12 Any lands acquired, owned, controlled or occupied by such counties, cities, villages and towns for the purposes enumerated in section 114.11 hereof shall and are hereby declared to be acquired, owned, controlled and occupied for a public purpose, and as a matter of public necessity, and such cities, villages, towns or counties shall have the right to acquire property for such purpose or purposes under the power of eminent domain as and for a public necessity.

114.13 Private property needed by a county, city, village or town for an airport or landing field shall be acquired by purchase if the city, village, town or county is able to agree with the owners on the terms thereof, and otherwise by condemnation, in the manner provided by the law under which the city, village, town or county is authorized to acquire real property for public purposes, other than street purposes. The purchase price or award for real property acquired for an airport or landing field may be paid for by appropriation of monies available therefor, or wholly or partly from the proceeds of the sale of bonds of the city, village, town or county, as the local legislative body of such city, village, town or county shall determine, subject however to the adoption of a proposition therefor at a municipal election, if the adoption of such a proposition is a prerequisite to the issuance of bonds of such municipality for public purposes generally.

114.14 The local legislative body of a city, village, town or county which has established an airport or landing field, and acquired, leased or set apart real property for such purpose, may

construct, improve, equip, maintain and operate the same, or may vest jurisdiction for the construction, improvement, equipment, maintenance and operation thereof in any suitable officer, board or body of such city, village, town or county. The expenses of such construction, improvement, equipment, maintenance and operation shall be a city, village, town or county charge as the case may be. The local legislative body of a city, village, town or county may adopt regulations, and establish fees or charges for the use of such airport or landing field, or may authorize an officer, board or body of such village, city, town or county having jurisdiction to adopt such regulations and establish such fees or charges, subject however to the approval of such local legislative body before they shall take effect.

114.15 The local authorities of a city, village, town or county to which this chapter is applicable having power to appropriate money therein may annually appropriate and cause to be raised by taxation in such city, village, town or county, a sum sufficient to carry out the provisions of this chapter.

114.16 Any person operating aircraft within this state shall be in possession of a pilot's license issued to him by the Department of Commerce of the United States, which must be presented for inspection upon demand of any passenger, peace officer of this state, or any official, manager or person in charge of any airport or landing field in this state.

114.17 Any person repairing, adjusting, inspecting or overhauling aircraft or aircraft engines within this state shall be in possession of a mechanic's license issued to him by the Department of Commerce of the United States, which must be presented for inspection upon demand of any passenger, peace officer of this state, or any official, manager or person in charge of any airport or landing field in this state.

114.18 Every aircraft operated within this state shall be licensed and registered by the Department of Commerce of the United States, and such license shall be displayed in said aircraft for inspection by any passenger, any peace officer of this state, or any official, manager or person in charge of any airport or landing field.

114.19 Any operator of any air navigation facility in this state shall be in possession of a certificate of rating issued for such facility by the Department of Commerce of the United States; provided, however, that the operator of a facility for

which no rating regulation has been promulgated by the Department of Commerce of the United States shall not be required to hold a certificate.

114.20 Air navigation facilities rated as required by the regulations of this state shall have posted on or near said facilities a certificate of said rating or a duly authenticated copy of said certificate.

114.21 Aircraft operating within this state shall comply with air traffic rules identical with those promulgated by the Department of Commerce of the United States.

114.22 The local legislative body of a city, village, county or town may by ordinance prescribe regulations for the operation, use and control of airports and landing fields, aircraft, aeronauts, air traffic and schools of aeronautic instruction, including licensing of such schools, but only, however, in strict conformity with the provisions of this chapter and imposing the same penalty for a violation of any of its provisions.

114.23 Any person violating any provisions of this chapter for which no penalty is provided, shall be punished only by imprisonment in the county jail not more than one year or by fine not exceeding two hundred and fifty dollars.

(67.04) (1) (k) To acquire sites for airports or landing fields and to construct hangars, buildings, runways and other equipment and appurtenances necessary for the operation and maintenance of same.

(2) (s) To acquire sites for airports or landing fields and to construct hangars, buildings, runways and other equipment and appurtenances necessary for the operation and maintenance of same.

(5) (n) To acquire sites for airports or landing fields and to construct hangars, buildings, runways and other equipment and appurtenances necessary for the operation and maintenance of same.

SECTION 4. This act shall take effect upon passage and publication.

Approved August 1, 1929.